



**DEPARTMENT OF THE ARMY**  
 U.S. ARMY ENGINEER DISTRICT, LOUISVILLE  
 CORPS OF ENGINEERS  
 REGULATORY BRANCH, WEST SECTION  
 P.O. Box 489  
 NEWBURGH, INDIANA 47629-0489  
 FAX: (812) 858-2678  
<http://www.lrl.usace.army.mil>  
 May 11, 2016

Operations Division  
 Regulatory Branch (West)  
 ID No. LRL-2013-635-GJD

United State Environmental Protection Agency  
 Region 5  
 Mr. Robert Kaplan  
 Acting Regional Director  
 77 West Jackson Boulevard  
 Chicago, IL 60604-3590

Dear Mr. Kaplan:

This is in regard to your letters, April 14, 2016 Part IV 3(a) letter and May 10, 2016 Part IV 3(b) letter, in response to Public Notice # LRL-2013-635-gjd, which outlines a proposal by United Minerals, to relocate streams, open waters and wetlands to facilitate a surface coal mining operation located at the proposed Seven Hills Mine, in Pigeon Creek, unnamed tributaries and associated wetlands of Pigeon Creek, northwest of Boonville, Warrick County, Indiana.

Your April 14, 2016 letter provided several comments regarding your agency's opinion on how the proposed project may result in substational and unacceptable impacts to aquatic resources of national importance (ARNI). Your May 10, 2016 letter provides your agency's opinion pursuant to the part IV, Paragraph 3(b) of the Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army on Section 404(q) of the Clean Water Act dated August 11, 1992, that the proposed project will have a substantial and unacceptable impact on an ARNI.

As you were notified by letter dated April 20, 2016, the comment period has been extended until May 18, 2016.

Pursuant to the Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army on Section 404(q) of the Clean Water Act dated August 11, 1992, after providing the Part IV 3(a) letter, you would have 25 days from the end of the extended comment period, May 18, 2016, to notify this office if it is the EPA's opinion that the proposed project will have a substantial and unacceptable impact on an ARNI, why there will be unacceptable impacts to an ARNI, and why the proposed project must be modified, conditioned, or denied to protect the ARNI. While the May 10, 2016 3(b) letter states that it is the EPA's opinion that the proposed project will have a substantial and unacceptable impact on an ARNI, there is no documentation provided with this letter as required by the MOA to show why there will be

unacceptable impacts to an ARNI, and why the proposed project must be modified, conditioned, or denied to protect the ARNI. Please provide this office with supporting information to complete the 3(b) letter within 25 days of the extended comment period closing date of May 18, 2016.

We would like to thank you for taking the time to give us the benefit of your comments in this matter. If you have any questions regarding this letter, please contact by writing to the above listed letterhead address or by calling me at (812) 842-2807.

Sincerely,

**ORIGINAL SIGNED**

George DeLancey  
Project Manager  
Regulatory Branch

**RECORD COPY**

DeLancey/OPF-W  
Melgin/USEPA  
Schaller/USEPA